

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.C.G., R.J.G., T.A.G., and
C.W.G, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SANCHEEN GILLILAND,

Respondent-Appellant,

and

RANDY GILLILAND,

Respondent.

In the Matter of A.C.G., R.J.G., T.A.G., and
C.W.G, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RANDOLPH S. GILLILAND,

Respondent-Appellant,

and

SANCHEEN GILLILAND,

Respondent.

UNPUBLISHED

May 22, 2003

No. 244302

Genesee Circuit Court

Family Division

LC No. 00-113438

No. 244387

Genesee Circuit Court

Family Division

LC No. 00-113438

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

In these consolidated cases, respondents appeal as of right from the order of the trial court terminating their parental rights to their minor children, pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). In addition, the trial court terminated respondent Sancheen Gilliland's parental rights pursuant to MCL 712A.19b(3)(b)(ii). We affirm.

The trial court did not err in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). While the children were in their care, respondents failed to provide an adequate home and seriously neglected the physical needs of the children. The conditions were never rectified; indeed, at the time of termination neither respondent had a home to which the children could be returned in safety.

Although, arguably, the testimony of R.J.G.'s therapist regarding the child's statements that he told his mother he had been sexually abused by a man residing in their home was inadmissible hearsay because failure to protect from sexual abuse was not alleged in the original adjudication, and therefore the trial court may have erred in terminating respondent mother's parental rights pursuant to MCL 712A.19b(3)(b)(ii), any error in admitting this testimony was harmless given the substantial evidence that supported the other statutory grounds for termination. The trial court stated that, even absent the issue of failure to protect, it would have terminated respondent mother's parental rights on the other grounds.

Further, the evidence did not show that termination of respondents' parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondents made minimal efforts to regain custody of their children, and the children suffered emotional and physical problems after each visit with the parents. It cannot be said that termination was clearly not in the children's best interests, and the trial court therefore did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ William C. Whitbeck
/s/ Helene N. White
/s/ Pat M. Donofrio